

## Message

**From:** Hyde, Tinka [hyde.tinka@epa.gov]  
**Sent:** 11/24/2015 2:10:42 PM  
**To:** Swenson, Peter [swenson.peter@epa.gov]; Melgin, Wendy [melgin.wendy@epa.gov]  
**CC:** Henry, Timothy [henry.timothy@epa.gov]  
**Subject:** FW: PolyMet NorthMet Proposed Section 404 Permit - Information on Tailings Waste Seepage Assumptions  
**Attachments:** WaterLegacyPolyMetTailingsSeepageBrief&Figures(Nov.2015).pdf; DonLeeOpinionPolyMetTailings BasinPerformanceFinal(Nov.22,2015).pdf

Please take a look – let's discuss during our meeting at noon. Thanks

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**From:** Paula Maccabee [mailto:pmaccabee@justchangelaw.com]  
**Sent:** Tuesday, November 24, 2015 8:06 AM  
**To:** Hyde, Tinka  
**Cc:** Wester, Barbara; McKim, Krista; Walts, Alan; Sedlacek, Michael  
**Subject:** PolyMet NorthMet Proposed Section 404 Permit - Information on Tailings Waste Seepage Assumptions

Dear Ms. Hyde,

Under 33 U.S.C. §1344(c) and §1344(q), the U.S. Environmental Protection Agency (EPA) has a duty as well as an opportunity to object to, to elevate and to veto a proposed Clean Water Act Section 404 permit that violates the Clean Water Act and implementing regulations.

Attached with this email, please find a briefing summary pertaining to PolyMet tailings seepage prepared on behalf of WaterLegacy along with illustrative figures. Attached, please also find an expert opinion of Dr. Donald W. Lee, a mechanical engineer and hydrologist who has reviewed both the PolyMet Supplemental Draft Environmental Impact Statement (SDEIS) and the Final Environmental Impact Statement (FEIS) to provide his opinion on the projected performance of the PolyMet tailings waste facility.

The attached WaterLegacy briefing materials will be incorporated into and Dr. Lee's expert opinion will be submitted with comments of WaterLegacy on or before December 14, 2015 on the adequacy of the PolyMet FEIS and the appropriateness of issuing PolyMet a Clean Water Act Section 404 permit.

Please do not hesitate to contact me if you have any questions regarding these materials.

Sincerely yours,

Paula Maccabee, Esq.  
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Advocacy Director/Counsel for WaterLegacy

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